

**FILED**

**JUN 01 2012**

**PATRICK E. DUFFY CLERK**  
BY Deputy Clerk  
**U.S. DISTRICT COURT**  
**BILLINGS DIVISION**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

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UNITED STATES OF AMERICA,	)	Cause No. CR 05-21-BLG-RFC
	)	CV 09-42-BLG-RFC
Plaintiff/Respondent,	)	
	)	
vs.	)	ORDER GRANTING § 2255 MOTION
	)	AND VACATING JUDGMENT
BARRY ROYCE JONES,	)	
	)	
Defendant/Movant.	)	

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This case comes before the Court on the motion of Defendant/Movant Barry Royce Jones to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. The motion was filed on April 16, 2009. On May 31, 2012, the United States conceded the motion.

Accordingly, IT IS HEREBY ORDERED as follows:

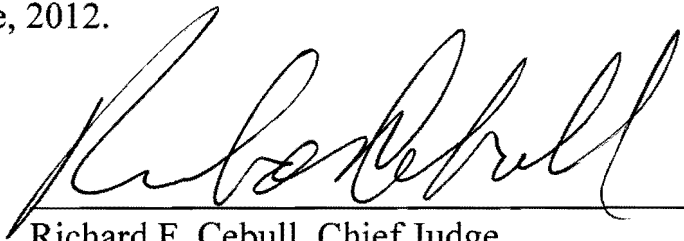
1. The parties' joint motion (doc. 229) is GRANTED.
2. Jones's motion to vacate, set aside, or correct his sentence (doc. 137) is GRANTED.
3. The Judgment of November 3, 2006 (doc. 113), is VACATED.

4. The Information (doc. 81) alleging a prior felony drug conviction is  
WITHDRAWN.

5. On the date a new criminal judgment is entered, the Clerk of Court shall  
enter judgment by separate document in the civil case in favor of Jones and against  
the United States.

6. A new sentencing hearing will be set by separate order.

DATED this 18<sup>th</sup> day of June, 2012.

A handwritten signature in black ink, appearing to read 'Richard F. Cebull', written over a horizontal line.

Richard F. Cebull, Chief Judge  
United States District Court